

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:

JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCCI,

Debtors.

Bankruptcy Case No. 19-54531
Hon. Lisa S. Gretchko
Chapter 7

THOMAS T. RITTER,

Plaintiff,

Adv. Pro. No. 20-04381
Hon. Lisa S. Gretchko

v.

JOSEPH G. DUMOUCHELLE, and
MELINDA J. ADDUCI,

Defendants.

DEFENDANTS' INITIAL DISCLOSURES

NOW COMES Defendants, JOSEPH G. DUMOUCHELLE and MELINDA J. ADDUCCI, (“Defendants”), by and through their undersigned counsel, JOHN R. FOLEY, P.C., and hereby provide these Initial Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure (the “Rules”), made applicable to this adversary proceeding by Rule 7026 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

RESERVATIONS

1. These disclosures are based upon information reasonably available to Defendants as of this date. Continuing investigation and discovery may alter these disclosures. Accordingly, Defendants reserve the right to supplement the information disclosed below if additional information becomes available.

2. By making these disclosures, Defendants do not represent that any particular document exists within their possession, custody or control.

3. These initial disclosures are made without waiver of, or prejudice to, any objections that Defendants may have. Defendants expressly reserve all evidentiary and other objections,

including, but not limited to, objections on the grounds of (a) relevance, (b) attorney-client privilege, (c) the attorney work-product doctrine, (d) any other applicable privilege or protection under federal or applicable state law, (e) undue burden, (f) immateriality, (g) overbreadth, and/or (h) any Fifth-Amendment rights or claims that either Defendant(s) may assert.

4. Defendants reserve the right to clarify, amend, modify, or supplement the information contained in these initial disclosures if and when they obtain supplemental information, to the extent required by the Rules and the Bankruptcy Rules.

5. Defendants expressly reserve the right to identify and call as witnesses additional persons other than those listed below if, during the course of discovery and investigation relating to this adversary proceeding, Defendants learn that such additional persons have knowledge of relevant matters

6. These initial disclosures are made subject to and without limiting any of the foregoing reservations.

INITIAL DISCLOSURES

1. In accordance with Rule 26(a)(1)(A)(i), the following persons may have discoverable information that Defendants may use to defend against Plaintiff's claims:

- a. Any and all witnesses listed on Plaintiff's initial disclosures and/or on their witness list filed later in this proceeding.
- b. Plaintiff(s), or any agent(s) of Plaintiff(s) with knowledge of the facts relevant this case.
- c. Defendant, JOSEPH G. DUMOUCHELLE,
- d. Defendant, MELINDA J. ADDUCCI,
- e. Former employees and agents of JOSEPH DUMOUCHELLE FINE & ESTATE JEWELLERS, L.L.C., with knowledge of the facts relevant this case.

- f. The Chapter 7 Trustee of the Bankruptcy Case of JOSEPH DUMOUCHELLE FINE & ESTATE JEWELLERS, L.L.C. (Bankruptcy Case No. 19-56239-lsg, pending in the U.S. Bankruptcy Court for the Eastern District of Michigan), and any of his agents or employees who may have knowledge of the facts relevant this case.
- g. The Chapter 7 Trustee, or any of his agents, of the above captioned individual Chapter 7 bankruptcy case of the Defendants.
- h. Agents and employees of the Federal Bureau of Investigations, the U.S. Attorney's office, or any other governmental agency, whether Federal, State, or Local, that has knowledge of facts relevant to the claims in this adversary proceeding, including, without limitation, any who have conducted investigation(s) into the Plaintiff(s)'s businesses and dealings, the interaction between Plaintiff(s) and Defendant(s), and/or the specific transaction(s) at issue here.
- i. Family members of the Plaintiff(s) and/or the Defendant(s) who have knowledge of the facts of this proceeding, the financial interactions between the parties, and/or of any other form of reimbursement or compensation that Plaintiff(s) have received or demanded related to the loss claimed Plaintiff in this proceeding.
- j. Any third party to the extent he or she has knowledge of facts related to the issues in the case.
- k. Any individuals whose identity may become known during the discovery process.
- l. Any experts who become apparent or necessary through the discovery process.
- m. Any necessary and appropriate rebuttal witnesses.

2. In accordance with Rule 26(a)(1)(A)(ii), the categories of documents in Defendants possession, custody or control that they may use to defend against Plaintiff's claims primarily include, but are not necessarily limited to:

- a. Defendant JOSEPH G. DUMOUCHELLE is currently incarcerated in the Federal Prison System. He has no possession, custody, or control, of any documents.
- b. The exhibits to the Complaint in this matter.
- c. The exhibits or any documents used in any other cases proceeding by or amongst any, some, or all of the same parties to this litigation, whether in state court or federal court.
- d. Any communications in Defendant's possession between Plaintiff and Defendant.
- e. If necessary, as further investigation and discovery continue, Defendant will supplement this disclosure in accordance with the Rules.

3. In accordance with Rule 26(a)(1)(A)(iii):

- a. Defendant believes that Plaintiff is not entitled to any Judgment amount in this case against either of the Defendants.

4. In accordance with Rule 26(a)(1)(A)(iv):

- a. Defendants are unaware of any insurance agreements relevant to this action; however, they intend to take discovery related to the same, and to any other form of compensation that Plaintiff may have received, or may receive in the future, regarding the claims he states in this adversary proceeding.

Respectfully submitted,
JOHN R. FOLEY, PC
Counsel for Defendants



By: /s/ Patrick A. Foley
Patrick A. Foley (P74323)
18572 W. Outer Drive
Dearborn, MI 48128
telephone: (313) 274-7377
email: pafoley@jrfpc.net

Dated: October 10, 2022

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Defendants.

PROOF OF SERVICE

Patrick A. Foley hereby certifies that on October 10, 2022 he did serve a copy of the foregoing Initial Disclosures upon all parties to this case by proceeding the same with the Court's CM/ECF electronic filing system, which effectuated electronic service on counsel for all parties appeared in this proceeding.

Respectfully submitted,
JOHN R. FOLEY, PC
Counsel for Defendants



By: /s/ Patrick A. Foley
Patrick A. Foley (P74323)
18572 W. Outer Drive
Dearborn, MI 48128
telephone: (313) 274-7377
email: pafoley@jrfpc.net

Dated: October 10, 2022